

PATENT

Docket No.: 35856/103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Dreyer et al.) Examiner:) Christopher Upton
Serial No.	:	10/730,626	
Cnfrm. No.	:	4250) Art Unit:) 1724
Filed	:	December 8, 2003)
For	:	CONTAINMENT/EXCLUSION BARRIER SYSTEM WITH INFUSER ADAPTATION TO WATER INTAKE SYSTEM))))

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Gunderboom Inc., is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,660,170. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, it successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to

pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The assignee of the entire right, title and interest of the above-identified application, hereby confirms that an assignment for the subject application was recorded on January 17, 2003, at Reel 013667/Frame 0161 in the U.S. Patent and Trademark Office.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

Enclosed is a check for \$55 to cover the terminal disclaimer fee under 37 CFR § 1.20(d). Please charge any additional fees or credit any overpayment to Deposit Account No. 14-1138. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: July 16, 2004

Edwin V. Merkel

Registration No. 40,087

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Certificate of Mailing - 37 CFR 1.8(a)

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FEBTRANSMITTAL JUL 1 9 2004 FOR FY 2004 Patent of are subject to annual revision. EX Applicant class small entity status. See 37 CFR 1.27 TOTAL AMEN TO FPAYMENT (\$) 82

Complete if Known					
Application Number	10/730,626				
Filing Date	12/8/03				
First Named Inventor	Dreyer et al.				
Examiner Name	Christopher Upton				
Art Unit	1724	·			
Attorney Docket No.	35856/103				

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)					
Check Credit Card Money Other None	3. A	3. ADDITIONAL FEES					
Deposit Account:		Entity	Small				
Deposit Account 14-1138	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description		
Number 14-1138	1051	130	2051	65	Surcharge – late filing fee or oath		
<u> </u>	1052	50	2052	25	Surcharge - late provisional filing fee or cover		
					sheet		
Deposit Account Nixon Peabody LLP	1053	130	1053	130	Non-English specification		
Account Nixon Peabody LLP	1812	2,520	1812	2,520	For filing a request for ex parte reexamination		
The Commission of the standard (sheet all the standard)	1804	920*	1804	920*	Requesting publication of SIR prior to Examiner		
The Commissioner is authorized to: (check all that apply)	1805	1,840*	1805	1,840*	action Requesting publication of SIR after Examiner		
Charge fee(s) indicated below Credit any overpayments	1005	1,040	1.005	1,040	action		
Charge any additional fee(s)	1251	110	2251	55	Extension for reply within first month		
Charge fee(s) indicated below, except for the filing fee	1252	420	2252	210	Extension for reply within second month		
to the above-identified deposit account.	1253	950	2253	475	Extension for reply within third month		
FEE CALCULATION	1254	1,480	2254	740	Extension for reply within fourth month		
1. BASIC FILING FEE	1255	2,010	2255	1,005	Extension for reply within fifth month		
Large Entity Small Entity	1401	330	2401	165	Notice of Appeal		
Fee Fee Fee Fee Description Code (\$) Code (\$) Fee Paid	1402	330	2402	165	Filing a brief in support of an appeal		
Code (3) Code (3)	1403	290	2403	145	Request for oral hearing		
1001 770 2001 385 Utility filing fee	1451	1,510	1451	1,510	Petition to institute a public use proceeding		
1002 340 2002 170 Design filing fee	1452	110	2452	55	Petition to revive – unavoidable		
	1453	1,330	2453	665	Petition to revive – unintentional		
· · · · · · · · · · · · · · · · · · ·	1501	1,330	2501	665	Utility issue fee (or reissue)		
1004 770 2004 385 Reissue filing fee	1502	480	2502	240	Design issue fee		
1005 160 2005 80 Provisional filing fee	1503	640	2503	320	Plant issue fee		
SUBTOTAL (1) (S) 0	1460	130	1460	130	Petitions to the Commissioner		
SUBIOTAL (I) (\$) 0	1						
2 EVERA OF AIM SEES FOR HEIL ITY AND DESCRIP	1807	50 180	1807 1806	50	Processing fee under 37 CFR 1.17(q) Submission of Information Disclosure Strnt		
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE Fee from	8021	40	8021	180 40	Recording each patent assignment per property		
Extra Claims below Fee Paid Total Claims 28 -25** = 3 X 9 = 27	1809	770	2809	385	(times number of properties) Filing a submission after final rejection		
Independent 2 -3**= X = 0	1810	770	2810	385	(37 CFR 1.129(a)) For each additional invention to be examined		
Claims	1810	770	2810	363	(37 CFR 1.129(b))		
Multiple Dependent X = 0	1801	770	2801	385	Request for Continued Examination (RCE)		
Large Entity Small Entity	1802	900	1802	900	Request for expedited examination of a design		
Fee Fee Fee Fee <u>Fee Description</u> Code (\$) Code (\$)	I	·1 m:1-			application 55		
1202 18 2202 9 Claims in excess of 20	Terminal Disclaimer 35						
1201 86 2201 43 Independent claims in excess of 3							
•	*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 55						
1203 290 2203 145 Multiple dependent claim, if not paid							
1204 86 2204 43 ** Reissue independent claims over original patent	CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]						
1205 18 2205 9 ** Reissue claims in excess of 20 and	I here	I hereby certify that this correspondence is being:					
	over original patent deposited with the United States Postal Service on the date shown below with suffice postage as first class mail in an envelope addressed to: Mail Stop Amendment,						
SUBTOTAL (2) (\$) 27 **or number previously paid, if greater, For Reissues, see above		Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450					
or manufice previously paid, it greater, For Reissues, see above		transmitted by facsimile on the date shown below to the United States Patent and					
		Trademark Office at (703)					
		Date Signature					
		Laura L. Sonneville					
				Typed or printed name			
SUBMITTED BY Complete (if applicable)							
Name (Print/Type) EDWIN V. MERKEL	_	tration N		40,	087 Telephone (585) 263-1128		
Signature 90: Sull	,,		· · ·	_	Date July 16, 2004		
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